

DEPARTMENT OF EDUCATION

STATE BOARD OF EDUCATION

TEACHER CERTIFICATION CODE

Filed with the Secretary of State on

These rules take effect immediately upon filing with the Secretary of State unless adopted under section 33, 34, 45a(6), or 48 of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the superintendent of public instruction by section 15 of 1964 PA 287, MCL 388.1015, sections 1531, 1535a and 1539b of 1976 PA 451, MCL 380.1531, MCL 380.1535a, and MCL 380.1539b, and Executive Reorganization Order Nos. 1996-6 and 1996-7, MCL 388.993 and 388.994)

R 390.1101, R 390.1103, R 390.1105, R 390.1111, R 390.1115, R 390.1117, R 390.1118, R 390.1121, R 390.1122, R 390.1123, R 390.1124, R 390.1125, R 390.1126, R 390.1127, R 390.1128, R 390.1129, R 390.1129a, R 390.1130, R 390.1132, R 390.1134, R 390.1135, R 390.1141, R 390.1142, R 390.1143, R 390.1145, R 390.1146, R 390.1151, R 390.1152, R 390.1153, R 390.1154, R 390.1155, R 390.1156, R 390.1161, R 390.1162, R 390.1163, R 390.1164, R 390.1165, R 390.1166, R 390.1201, R 390.1202, R 390.1203, R 390.1204, R 390.1206, R 390.1207, R 390.1209, R 390.1210, R 390.1212, R 390.1213, R 390.1214, and R 390.1216 of the Michigan Administrative Code are amended; R 390.1164a is added to the Code; and R 390.1133, R 390.1136, R 390.1157, R 390.1205, R 390.1208, R 390.1211 and R 390.1215 are rescinded to the Code as follows:

PART 1. GENERAL PROVISIONS

R 390.1101 Definitions.

Rule 1. As used in this code:

(a) ~~"Bilingual endorsement" means either an authorization for a person with an elementary certificate to teach in a bilingual instruction program in grades kindergarten to and including 8 in all subjects and in his or her major and minor endorsement areas in grade 9 or an authorization for a person with a secondary certificate to teach in a bilingual instruction program in grades 7 to and including 12 in his or her major and minor endorsement areas.~~

~~(b)~~ "Certificate endorsement" means attainment of a specific major or majors or a minor or minors, or both, or the extension of the grade level validity of an existing certificate, or the completion of a ~~planned~~ **an endorsement preparation** program in an area of specialization. The intent of the additional endorsement program is to permit a person with a certificate to obtain an endorsement at another level or to obtain an endorsement for teaching an additional subject or subjects. **After 1992, passage of appropriate state teacher subject area examination or examinations is required for endorsements.**

~~(c)(b)~~ "Early childhood certificate endorsement" means ~~an authorization specialization~~ to teach in any school program preceding ~~or~~ **and** including ~~kindergarten~~ **grade 2**.

February 2, 2006

~~(d)~~(c) "Elementary school" means a school that consists of grades kindergarten to and including 9 8.

(d) **"Field experience" means structured, supervised activity in a prekindergarten to and including grade 12 classroom setting in which a teacher candidate may assist a teacher, give lessons or demonstrations, assist pupils individually, or conduct or participate in other teaching activity.**

(e) **"General elementary certificate endorsement on a secondary certificate" means an authorization to teach all subjects in grades kindergarten to and including 5, in major and minor areas of preparation all subjects in grades 6 to and including 8, and all subjects in grades 6 to and including 8 in a self-contained classroom, where the majority of instruction is provided by 1 teacher and in subject area endorsements on the teaching certificate in grades 6 to and including 8.**

(f) "Michigan teaching certificate" means any of the following:

(i) A permanent certificate. **(No longer issued.)**

(ii) A life certificate. **(No longer issued.)**

(iii) A provisional certificate.

(iv) An occupational education certificate.

(v) A continuing certificate. **(No longer issued.)**

(vi) A professional education certificate.

(vii) A temporary or full vocational authorization. **(No longer issued.)**

**(viii) An interim occupational certificate (Formerly the temporary vocational authorization.)**

**(ix) A 2-year extended provisional certificate.**

**(x) A temporary teacher employment authorization.**

(g) **"Middle school level certificate endorsement" means an authorization specialization to teach in grades 5 to and including 9 in the major and minor areas of preparation subject area endorsements on the teaching certificate.**

(h) **"Nonpublic school" means a private, denominational, or parochial school.**

(i) **"Occupational recency" means work experience in the occupational area that has occurred within 6 years of application for an interim occupational authorization or certificate.**

(j) **"Occupational relevancy" means work experience gained through employment in the occupational area.**

~~(h)~~ (k) "Satisfactory college semester credit hours" means an average grade of C or its equivalent.

(l) **"School district" means a local school district established under section 5 of 1976 PA 451, MCL 380.5, an intermediate school district established under part 7 of 1976 PA 451, a public school academy established under part 6a of 1976 PA 451, an urban high school academy established under part 6c of 1976 PA 451 and a strict discipline academy established under sections 1311b to 1311l of 1976 PA 451, MCL 380.1311b to MCL 380.1311l.**

~~(i)~~ (m) **"Secondary certificate endorsement" means an authorization to teach in grades 9 6 to and including 12 in major and minor areas of preparation subject area endorsements on the teaching certificate.**

~~(j)~~ (n) **"Secondary school" means a school that consists of some or all of grades 7 6 to 12.**

~~(k)~~ (o) "Self-contained classroom" means a classroom in which a majority of instruction is provided by 1 teacher **provides instruction to the same pupils for the majority of the instructional day.**

~~(l)~~ "Sponsoring institution" means a higher education institution which is approved for teacher education by the state board and which is willing to make recommendations as to applicants for the several certificates provided for in this code.

~~(m)~~ (p) "State board" means the state board of education.

~~(n)~~ (q) "Substantive field" means **means** courses in areas other than professional preparation courses in education or courses of content or methods related to the preparation of teachers **academic disciplines offered in the K to 12 school's curriculum, appropriate to the grade level of the certificate. Preparation in a substantive field does not include courses in education or content methods courses.**

(r) "Teacher preparation institution" means a baccalaureate or higher degree granting institution which is approved for teacher education by the state board to recommend applicants for the several certificates provided for in these rules.

#### R 390.1103 Successful teaching.

Rule 3. (1) The determination of 3 years of successful teaching specified in these rules shall be according to the following:

(a) Employment may be with ~~one~~ 1 or more employers in a regular or substitute teaching capacity **within the validity of the certificate.**

(b) Each period of employment shall be characterized as successful or unsuccessful by the employer.

(c) A year of employment is a minimum of 150 teaching days and may be either an academic or a calendar year, but not more than 1 year of employment can be earned during a calendar year.

(d) A day of employment is  $\frac{1}{2}$  or more of a teaching day, but not more than 1 day of employment can be earned during a calendar day.

(2) A teacher may appeal any decision ~~to~~ under these rules through the recommending institution's appeal procedure and, failing relief from that source, to the ~~state board of education~~ **superintendent of public instruction.**

#### R 390.1105 Persons required to hold certificates or permits.

Rule 5. (1) A person employed **as a teacher** in an elementary or secondary school with instructional responsibilities shall hold a certificate, permit, or vocational authorization valid for the positions to which ~~he~~ **the teacher** is assigned.

(2) A teacher aide, **instructional paraprofessional** classroom assistant, secretary to instructional personnel, or other paraprofessional person legally employed in a non-instructional capacity need not be certificated as a teacher.

(3) A ~~student~~ **teacher candidate** enrolled for student teaching or internship **semester credit hours** at an approved teacher ~~education~~ **preparation** institution need not hold a teaching certificate. ~~but shall be certified by such a teacher education institution to the state board as enrolled for student teaching. The certificate shall include the initial and final dates of the assignment and the name of the school to which the student is assigned. Upon filing such certificate with the state board, persons assigned school duties by a board of education shall be considered as lawfully exercising such duties.~~

(4) A full-time teacher of a day school program reimbursed from vocational education funds (~~agriculture, business, homemaking, trade and industrial~~), shall meet the minimum qualifications for endorsement or authorization in the particular vocational education field as specified by the state board.

(5) A teacher in a reimbursed program in special education shall meet the minimum qualifications for certification when required by law in the particular special education field as specified by the state board.

**(6) A person employed as a junior reserve officer training corps teacher need not be a certified teacher but shall be approved by the department of defense to provide instruction in a junior reserve officer training corps assignment.**

~~(6)~~ (7) A previously issued certificate retains its original designation and validity. A permanent certificate continues as a permanent certificate.

#### R 390.1111 Equality of opportunity.

Rule 11. (1) The state board holds that segregation of ~~students~~ **pupils** at any level in educational programs seriously interferes with the achievement of equal opportunity guarantees of this state and that segregated schools fail to provide maximum opportunity for the full development of human resources in a democratic society. Therefore, it directs each Michigan **teacher preparation** institution of ~~higher education approved for the preparation of teachers~~ to provide an opportunity for prospective teachers to understand the effect of discrimination on the basis of race, religion, color, national origin or ancestry, age, sex, marital status, or ~~handicap~~ **disability** and to be educated in integrated teacher education programs so that in their professional careers they will be able to further achievement of the equal opportunity guarantees of this state.

(2) An applicant for provisional certification shall show an awareness that Michigan's constitution and laws guarantee the right to equal educational opportunity without discrimination because of race, religion, color, national origin or ancestry, age, sex, marital status, or ~~handicap~~ **disability**.

(3) An applicant for provisional certification has an important responsibility to create a climate for learning based upon the practice and an understanding of equality of educational opportunity in its fullest sense.

(4) An applicant for provisional certification who is otherwise qualified shall not be denied the right to be certified by the state board, to receive training for the purpose of becoming a teacher, or to engage in practice teaching in any school because he or she is blind, deaf, or physically ~~handicapped~~ **disabled** in some other manner. A school district shall not refuse to engage a ~~handicapped~~ **disabled** teacher on such grounds if the teacher is able to carry out the duties of the position in the school district for which he or she applies.

#### R 390.1115 Applications; ~~and semester credits~~ **hours**.

Rule 15. (1) The application for a certificate, ~~or permit~~, **or authorization** shall be directed to the ~~state board of education~~ **superintendent of public instruction**, Lansing, Michigan, presented on a form supplied or approved by the ~~state board~~ **superintendent of public instruction**.

(2) ~~Semester c~~**redits hours** toward certification shall be completed through an approved teacher ~~education~~ **preparation** institution, or accepted in transfer by such an institution, and shall be acceptable toward requirements for a provisional teaching certificate and a

bachelor's or higher degree. The ~~state board~~ **superintendent of public instruction** reserves the right to determine the acceptability of credits ~~hours~~ presented for certification from approved teacher ~~education~~ **preparation** institutions located in other states.

**(3) Passing test scores from the state teacher preparation content area tests are valid for 5 years from the date of testing. Basic skills test scores are valid indefinitely.**

R 390.1117 Certificate restrictions and expiration.

Rule 17. (1) A certificate, ~~and a permit,~~ **and an authorization** have certain restrictions as to the nature of teaching for which the holder may be employed. The applicant and employer shall be thoroughly familiar with the specific provisions regarding the validity of the several certificates.

(2) All certificates, ~~and permits,~~ **and authorizations** expire on June 30 of the expiration year indicated on the certificate or permit **with the exception of the temporary teacher employment authorization and the 2-year extended provisional renewal, or unless otherwise noted on the certificate, permit or authorization.**

R 390.1118 Nullification of teaching certificate.

Rule 18. (1) The holder of a Michigan teaching certificate may, ~~for good cause,~~ request the ~~state board~~ **superintendent of public instruction** to **immediately** nullify a teaching certificate, 1 or more certificate endorsements based on a major or minor in a substantive field of study, or a grade level certification if the grade level certification has not been used for employment purposes for 10 or more years. Grade level certification means a certificate endorsement for the extension of the grade level validity of an existing certificate, as defined in R 390.1129.

(2) Any nullification approved by the ~~state board~~ **superintendent of public instruction** ~~on or before March 1 shall take effect July 1 of the same year. Any nullification approved by the state board after March 1 shall take effect July 1 of the subsequent calendar year~~ **immediately.**

(3) Requests for nullification shall be made on an application form provided by the department ~~and shall set forth facts demonstrating good cause to support granting the application.~~ An application for nullification may be withdrawn by the applicant any time before the approval. A request shall be made in writing.

~~(4) Endorsements required for a certificate shall not be nullified unless the certificate contains other additional endorsements that can be substituted for the required endorsements.~~

~~—(5) For purposes of notifying potential intervening parties who may be affected by a nullification, the state board shall provide, by certified mail, a copy of the application and a copy of these rules to the following entities:~~

~~(a) The superintendent of the school district or districts in which the applicant is employed or has a right to recall.~~

~~(b) If appropriate, the administrator or each nonpublic school where the applicant is employed.~~

~~(c) The applicant's bargaining agent in each district.~~

~~—(6) Any objection shall be filed within 30 days, in writing, and shall include all of the following:~~

~~(a) The objector's name, address, and telephone number.~~

~~(b) Facts demonstrating that the objector would be directly affected by the granting of the~~

nullification application.

~~—(c) Facts demonstrating that good cause does not exist to support granting the application.~~

~~(d) Certification that a copy of the objection has been mailed to the applicant.~~

~~—(7) A person who files an objection and who satisfies the requirements of subrule (6) of this rule shall be allowed to intervene and may participate in proceedings pertinent to the application.~~

~~—(8) An applicant shall have 30 days from the date of the mailing of an objection in which to file a written response. A copy of the response shall be mailed to the objector.~~

~~—(9) The board shall review the application and any information available to the department and shall take 1 of the following actions:~~

~~(a) Grant the request for nullification for good cause shown if a person does not intervene or if intervention information provided by the intervenor did not provide facts warranting the board's denial of the application.~~

~~(b) Deny the request for nullification because it did not provide an appropriate statement of good cause or because the intervenors presented justifiable cause for not granting the nullification. A person whose application for nullification has been denied may request a hearing pursuant to the provisions of subdivision (c) of this subrule.~~

~~(c) Direct that a hearing be convened to determine the justification for the nullification. The hearing shall be conducted pursuant to the provisions of sections 71 to 92 of Act No. 306 of the Public Acts of 1969, as amended, being SS24.271 to 24.292 of the Michigan Compiled Laws.~~

~~—(10) "Good cause" means either of the following:~~

~~(a) A change in the teacher's determinable medical, physical, or psychological status which has occurred since the certificate, grade level certification, or endorsement sought to be nullified was granted and which has rendered the teacher unable to perform the customary duties and functions normally associated with the certification or endorsement. The department shall require supporting documentation about the teacher, which may include a physical or psychological examination report by a licensed medical or psychological practitioner.~~

~~(b) An impairment of the ability to teach within the certificate, grade level certification, or endorsement due to a deficiency in teaching experience over a period of time sufficient to render the teacher unable to perform the customary duties and functions normally associated with the certification or endorsement. In determining whether a teacher's deficiency in experience is sufficient to support a finding of good cause, the state board shall take into consideration the teacher's academic studies and training, teaching experience, and changes in curriculum within the certification or endorsement.~~

~~—(11) For purposes of subrule (10)(b) of this rule, there can be no finding of good cause in either of the following circumstances:~~

~~(a) If, upon completion of inservice or other training that is regularly provided by the teacher's employer to the teaching staff using the certificate, grade level certification, or endorsement, the teacher would be able to adequately teach in accordance with the certification or endorsement.~~

~~(b) Where the deficiency in teaching experience is for a period of less than 5 years if, within that period, the teacher used the certification or endorsement more than 100 days.~~

- ~~—(12) If a teacher meets all other conditions of this rule during the period of time from December 29, 1988, to the effective date of this rule, a written request for nullification may be made to the state board within 1 year of the effective date of this rule.~~
- ~~—(13) False information on a request for a nullification may result in a denial of the application.~~
- ~~—(14) An applicant who receives a nullification shall surrender the certificate to the department. A new revised certificate shall be issued.~~
- ~~—(15) All approved Michigan teacher preparation institutions shall be notified of any nullification.~~
- ~~—(16)~~ **(4)** Any certificate, endorsement, or grade level certification that has been nullified shall not be reinstated.

## PART 2. STATE PROVISIONAL CERTIFICATES

R 390.1121 General provisions.

Rule 21. (1) A qualified person shall complete an application for provisional certification within 5 years after certification requirements have been met, **and recommendation by the teacher preparation institution is valid for 5 years.**

(2) The requirements in this part of the code for the several certificates are minimum requirements.

(3) ~~The provisions of this part are mandatory for all p~~**Persons** enrolled in teacher education institutions in this state **shall comply with this part** after July 1, ~~1970~~ **2006**.

R 390.1122 General education; ~~and~~ substantive fields.

Rule 22. (1) An applicant for a provisional certificate shall ~~demonstrate~~ **present evidence** that he **or she** has ~~an acquaintance with the substance, concepts, and methods of the principal areas of human knowledge, and skills essential to communication and inquiry in modern society.~~ He shall present evidence that he has completed not less than 40 semester **credit** hours in a program of general or liberal education, **including humanities, social sciences, mathematics, natural or physical sciences, and the arts.**

**(2) An applicant shall achieve a passing score on all components of the state teacher preparation basic skills test before assignment to directed student teaching.**

~~(2)~~ **(3)** An applicant shall present evidence of completion of a program providing for depth in any substantive field he **or she** proposes to teach. At the secondary level, such specialization is ~~ordinarily~~ initiated by completing a major **or its equivalent** in a specific **substantive** field. ~~or in closely allied fields.~~ At the elementary level, responsibility for introducing pupils to many areas of human knowledge or inquiry shall not deprive the prospective teacher of the opportunity to develop a degree of specialization in a particular substantive field. **Evidence of content mastery by both elementary and secondary candidates shall include a passing score on the state teacher preparation content area tests before certificate recommendation. The applicant shall have early and ongoing field experiences in kindergarten to and including grade 12 classrooms before student teaching.** Therefore, the applicant shall present evidence that he **or she** has begun to master a substantive field and is able, because of his **or her** teaching skills, to stimulate ~~students~~ **pupils** to seek more knowledge and understanding.

R 390.1123 Professional education.

Rule 23. (1) An applicant **for an elementary or secondary Michigan provisional certificate** shall present evidence that he or she has completed 20 semester **credit** hours of theoretical and practical knowledge ~~in the following fields~~ **that reflect the following standards and related proficiencies which articulate the knowledge, skills, and disposition entry level teachers should possess upon completion of an approved teacher preparation program:**

(a) **Commitment to student learning and achievement.**

(b) **Knowledge of subject matter and pedagogy.**

(c) **The ability to manage and monitor student learning.** Elementary preparation shall focus on the developmental needs of early childhood, preadolescents, and early adolescents. Secondary preparation shall focus on the developmental needs of early adolescents and adolescents. All study shall provide at least 6 contact hours in each of the following categories of exceptional children:

(i) **Those with disabilities.**

(ii) **The gifted and talented.**

(iii) **Those with cultural differences.**

(d) **The ability to systematically organize teaching practices and learn from experiences.** Programs that prepare applicants to teach kindergarten to and including grade 12 content programs should include field experiences. Content programs should include field experiences and pedagogy at the preschool, if applicable, elementary, middle school, and secondary levels.

(e) **Commitment and willingness to participate in professional development and learning opportunities.**

(f) **An ability to use information age learning and technology operations and concepts to enhance learning and personal professional productivity.**

~~(a)(g) How human beings grow and how they learn. Elementary preparation shall focus on the developmental needs of preadolescents and early adolescents. Secondary preparation shall focus on the developmental needs of early adolescents and adolescents. All study shall include the needs of the exceptional child, including those with handicapping conditions, the gifted and talented, and those with cultural differences.~~

~~—(b)(h) The structure, function, and purposes of educational institutions in our society.~~

~~—(e)(i) The methods and materials of instruction appropriate to the elementary and middle levels or the middle and secondary levels. The provisions of this part are mandatory for~~

~~Programs at state board approved teacher education preparation institutions in this state shall comply with this part after July 1, 1987~~ **2006.**

(2) The applicant shall present evidence that he or she has participated under institutional supervision for a minimum of 6 semester **credit** hours (of the 20) in directed teaching at the level for which the certificate is granted. **The directed teaching assignment shall be for a minimum duration of 12 weeks.**

R 390.1124 Scholastic averages; and directed teaching.

Rule 24. (1) An applicant for an elementary or secondary provisional certificate shall ~~have~~ **present evidence that he or she has** satisfactorily met and completed course college credits and passed the state teacher preparation basic skills test before assignment to directed teaching. To qualify for a certificate, an applicant shall obtain satisfactory college



credit in directed teaching. An applicant shall have satisfactory college credit in the required hours for each successive certificate. **The candidate shall present evidence of all of the following:**

- (a) **Demonstration of high academic achievement.**
- (b) **Demonstration of successful group work with children as a condition of admission to the teacher preparation curriculum.**
- (c) **Knowledge of research based teaching.**
- (d) **Working knowledge of modern technology.**
- (e) **Use of computers.**

(2) For certification purposes, a minimum of ~~30~~ **60** clock hours of responsible classroom teaching and observation under the supervision of a ~~sponsoring~~ **teacher preparation** institution is equivalent to 1 semester ~~credit~~ **hour of credit** in directed teaching. **The directed student teaching experience shall engage the applicant in practical experiences that reflect and support the standards and related proficiencies for entry level teachers.**

**An applicant shall satisfactorily complete the directed student teaching experience. Indicators associated with the standards and related proficiencies shall be used to evaluate the directed student teaching experience.**

(3) The directed teaching requirement for the initial elementary or secondary provisional certificate may be waived for an experienced teacher as follows:

(a) For an applicant with an earned master's **or higher** degree ~~or higher degree~~ and 3 years of successful teaching experience at the appropriate level, together with a recommendation from the school superintendent and the ~~sponsoring~~ **teacher preparation** institution regarding the certificate, the ~~complete~~ requirement of 6 semester **credit** hours may be waived, **entirely or in part.**

(b) For an applicant with less than an earned master's **or higher** degree, but with 5 years of successful teaching experience at the appropriate level, together with a recommendation from the school superintendent and the ~~sponsoring~~ **teacher preparation** institution regarding the certificate, the ~~complete~~ requirement of 6 semester **credit** hours **of directed student teaching** may be waived, **entirely or in part.**

#### R 390.1125 Degree and recommendations.

Rule 25. (1) An applicant for a provisional certificate shall have been granted a bachelor's degree and shall be recommended by a Michigan college or university approved for teacher ~~education~~ **preparation** by the state board. A Michigan college or university approved for teacher ~~education~~ **preparation** may accept a degree from a regionally accredited institution if it is determined that the degree is equivalent to that awarded by the ~~sponsoring~~ **teacher preparation** institution. The state board reserves the right to determine the acceptability of degree equivalent recommendations.

(2) The ~~sponsoring~~ **teacher preparation** institution shall make recommendations concerning all certificates.

**(3) The teacher preparation institution shall provide evidence that the applicant has successfully completed a course in first aid, which includes cardiopulmonary resuscitation (adult and child), when submitting recommendations concerning all initial provisional certificates and authorizations.**

#### R 390.1126 State elementary provisional certificates.

Rule 26. (1) **An initial** state elementary provisional certificate may be issued to an applicant who presents evidence that he or she has completed the requirements in ~~the provisions of R 390.1123~~ and either of the following:

(a) A major of not less than 30 semester **credit** hours or a group major of 36 semester **credit** hours and, in addition to such major or group major, a planned program **minor** of 20 semester **credit** hours in other **substantive** fields deemed appropriate to elementary education. After July 1983, there shall be evidence to prove that the applicant has completed 6 semester **credit** hours in the teaching of reading.

(b) Three minors of not less than 20 semester **credit** hours each, 2 of which shall be in substantive fields which may include a group minor of 24 semester **credit** hours and ~~4 the third of which may to be a planned program minor~~ of 20 semester **credit** hours **or a group minor of 24 semester credit hours** in a combination of methods and content appropriate to elementary education. After July 1, 1983, there shall be evidence to prove that the applicant has completed 6 semester **credit** hours in the ~~teaching of~~ **required reading courses**.

~~(2) A state elementary provisional certificate is valid for teaching all subjects in grades kindergarten to 8 and in subject matter areas in grade 9 in which the applicant has completed a major or minor. The certificate is valid for 6 years. This subrule expires on September 1, 1988.~~

~~(3)~~ (2) A state elementary provisional certificate which is issued after September 1, 1988, is valid for teaching all subjects in grades kindergarten to and including 5, for teaching subject areas **endorsements** in grades 6 to and including 8 in which the applicant has completed a major or minor, and for teaching all subjects in grades kindergarten to and including 8 when those subjects are taught in a self-contained classroom in which a majority of the instruction is provided by 1 teacher. ~~The certificate is valid for 6 years.~~ **All initial provisional certificates issued within a calendar year expire 6 years from June 30 of that year.**

(3) A conviction of a crime described in MCL 380.1535a(2) is considered to be reasonable and adversely related to the ability of the person to serve in an elementary or secondary school and is sufficient grounds for denial.

R 390.1127 State secondary provisional certificates.

Rule 27. (1) **An initial** state secondary provisional certificate may be issued to an applicant who presents evidence that he or she has completed the requirement in ~~the provisions of R 390.1123~~ and all of the following:

(a) A major of not less than 30 semester **credit** hours or a group major of **not less than 36 semester credit hours** ~~or a comprehensive group major of not less than 50 semester credit hours~~.

(b) A minor of **not less than 20 semester credit hours** or a group minor of **not less than 24 semester credit hours**. **After June 1, 2006, the requirement for a minor is optional.**

(c) After July 1, 1983, 3 semester **credit** hours in the **required teaching of reading in the content area course**. ~~Evidence shall be presented to prove completion of such credit.~~

~~(2) A state secondary provisional certificate is valid for teaching all subjects in grades 7 and 8 and in subject matter areas in grades 9 to 12 in which the applicant has completed a major or minor. The certificate is valid for 6 years. This subrule expires on September 1, 1988.~~

~~(3)~~ An **initial** state secondary provisional certificate which is issued after September 1, 1988, is valid for teaching in subject areas ~~on~~ in grades ~~7~~ **6** to and including 12 in which the applicant has completed a major ~~or minor~~ or **valid endorsement area**. ~~The certificate is valid for 6 years.~~ **All initial provisional certificates issued within a calendar year expire 6 years from June 30 of that year. Secondary teaching certificates issued before September 1, 1988, are also valid for teaching in subject area endorsements in grades 6 to and including 12.**

**(3) A conviction of a crime described in MCL 380.1535a(2) is considered to be reasonable and adversely related to the ability of the person to serve in an elementary or secondary school and is sufficient grounds for denial.**

R 390.1128 Additional ~~majors and minors~~ **specialty area endorsements.**

Rule 28. A person who is already certificated and who wishes to qualify for a new major, a ~~or minor~~, **or an additional endorsement** may combine ~~credit coursework to meet preparation standards in the specialty area with already earned with additional semester credit hours~~ to bring the total up to the minimum for a major **of 30 credits** or a minor **of 20 credits** as specified in ~~this code~~ **these rules. Upon completion of the credits and passage of the state teacher preparation content area test(s),** ~~The additional major or minor endorsement shall be recommended by a sponsoring teacher preparation institution in the same manner as the original provisional, permanent, professional, or continuing certificate.~~

R 390.1129 ~~C~~**Additional E**certificate endorsements.

Rule 29. (1) The holder of an elementary or secondary provisional, permanent, continuing, or professional education certificate may qualify for another certificate endorsement by presenting evidence that he or she has completed 1 of the following ~~planned endorsement~~ programs with a minimum of ~~48~~ **20** semester **credit** hours:

- (a) Early childhood.
- ~~(b) Bilingual language area.~~
- ~~(e)~~ **(b)** General elementary.
- ~~(d)~~ **(c)** Middle school level.
- ~~(e)~~ **(d)** Areas appropriate to the secondary grades.

**(2) If adding an additional endorsement that crosses levels of certification, the program shall have early and ongoing field experiences and methods appropriate to the content and the expanded level.**

~~(2)~~ **(3)** The **general elementary and** middle school endorsements shall include not less than 6 semester **credit** hours in the teaching of reading, which shall include reading in the content areas and studies in developmental reading. When the planned program is completed following the issuance of the initial provisional state certificate, a person may apply the credit to the requirements for the ~~continuing~~ **professional education** certificate. **If the endorsement covers the kindergarten to and including grade 12 range, the program shall include the 6 semester credit hours of required reading preparation.**

~~(3)~~ **(4)** Upon successful completion of the credits and passage of the state teacher preparation content area test(s), ~~A~~ a Michigan institution approved for teacher education preparation or an approved out-of-state institution, as authorized by the provisions of R 390.1132(1)(c), may recommend the additional certificate endorsement.

R 390.1129a Procedures at expiration of provisional certificates.

Rule 29a. (1) To be qualified for teaching at the expiration of an elementary or secondary provisional certificate or temporary vocational authorization certificate, an applicant shall qualify within the provisional or ~~temporary vocational authorization~~ **interim occupational** certificate period for a ~~continuing~~, professional education; ~~or occupational education, or full vocational authorization~~ certificate. If the applicant does not so qualify, a 3-year renewal of the provisional or ~~temporary vocational authorization~~ **interim occupational** certificate may be granted if the applicant presents evidence that he or she has completed ~~10~~ **9 semester credit hours of credit in a planned program at an approved teacher preparation institution** since the issuance of the provisional or temporary vocational authorization certificate or that he or she holds an earned master's or ~~doctorate~~ **higher degree in areas appropriate to kindergarten to and including grade 12**. A second 3-year renewal may be granted if the applicant presents evidence that he or she has earned 18 semester **credit** hours after the issuance of the provisional or ~~temporary vocational authorization~~ **interim occupational** certificate in a planned course of study that are applicable toward the requirements for a ~~continuing~~, professional education; ~~or occupational education, or full vocational authorization~~ certificate or that he or she holds an earned master's or ~~doctorate~~ **higher degree in a subject or subjects taught at the kindergarten to and including grade 12 level. If the planned program is completed at an out-of-state teacher preparation institution, the planned program shall be a specific masters or higher degree program or an additional subject area endorsement program of at least 20 semester credit hours. A master's or higher degree completed for purposes of certificate renewal cannot be a degree in religion, law, or medicine, or other content inappropriate for teaching at the kindergarten to and including grade 12 level. The teacher preparation institution may determine which courses or credits are applicable to an endorsement or planned program. All initial provisional certificate renewals issued within a calendar year expire 3 years from June 30 of that year.**

(2) The ~~sponsoring~~ **teacher preparation** institution shall make a recommendation concerning the certificate.

(3) Additional 3 year renewals of a provisional or ~~temporary vocational authorization~~ **interim occupational** certificate may be obtained after the expiration of the second provisional or temporary vocational authorization certificate renewal if all **semester credits hours** for a ~~continuing, full vocational authorization~~, professional; or occupational education certificate have been completed. An employing Michigan ~~public~~ **school district or private nonpublic** school may sponsor a teacher for additional 3 year provisional or ~~temporary vocational authorization~~ **interim occupational** certificate renewals. An applicant shall apply to the state board of education for such renewal within 30 days after the employment of the teacher in a full-time or part-time regular teaching assignment. Additional renewals are not available for substitute teaching or for applicants who meet continuing, professional, or occupational education certificate requirements.

(4) The state board may approve the issuance of a 2-year extended provisional teaching certificate, temporary vocational authorization, or interim occupational certificate upon the application of a Michigan school district or nonpublic school to a teacher whose provisional, temporary vocational authorization, or interim occupational certificate has expired and who has not earned sufficient credits for regular renewal, provided the following conditions are met:

- (a) The teacher is an employee of the applying school district or nonpublic school.
- (b) The teacher's original provisional, temporary vocational authorization, or interim occupational certificate expired within the 10-year period preceding the year of application.
- (c) The teacher shall be currently enrolled in an approved 18 semester credit hour planned program or masters or higher degree program at an approved teacher preparation institution.
- (d) The teacher shall verify at least 1 year of teaching experience within the validity of the teaching certificate at the time of application.
- (e) With the issuance of the 2-year extended provisional certificate, the teacher waives the candidate's rights to further renewals of the provisional certificate.
- (5) An individual who holds an expired provisional, temporary vocational authorization, or interim occupational certificate, but holds a valid certificate from another state, who has taught within the grade level and subject area endorsement(s) to the validity of the certificate for at least 1 year in the preceding 5-year period is eligible for a 3-year renewal of the provisional, temporary vocational authorization, or interim occupational certificate.

#### R 390.1130 Reciprocity.

Rule 30. ~~The state board may issue a provisional certificate to a person who has, or who is eligible for, a teaching certificate issued by the certifying authority of any other state in which requirements for certification are deemed equivalent to those in effect in this state.~~

(1) The state board **superintendent of public instruction** may enter into written agreements with the states for the mutual acceptance of 1 or more types of teaching certificates issued by each state. The department of education shall publish and distribute annually a list of states with which reciprocity agreements are signed, or whose certificates are accepted in such a manner.

(2) Under the reciprocity agreement in subrule (1) of this rule, the superintendent of public instruction may issue a provisional certificate to a person who meets the following requirements:

- (a) He or she has, or is eligible for, a teaching certificate issued by the certifying authority of any other state in which requirements for certification are deemed equivalent to those in effect in this state.
- (b) He or she has successfully completed a course in first aid, which includes cardiopulmonary resuscitation (adult and child).
- (c) He or she has passed the Michigan teacher preparation basic skills and content area tests.

#### PART 3. STATE ~~CONTINUING~~ **professional education** CERTIFICATES

#### R 390.1132 State elementary or secondary ~~continuing or~~ professional education certificates.

Rule 32. (1) A state elementary or secondary ~~continuing or~~ professional education certificate may be issued to an applicant who presents evidence that he or she has completed all of the following requirements:

- (a) ~~He or she~~ **The applicant** has taught successfully for 3 years according to the validity of the provisional certificate and since the issuance of the provisional certificate, as determined

by the state board upon recommendation of the ~~sponsoring~~ **teacher preparation** institution and the ~~local school district or nonpublic school~~.

(b) ~~He or she~~ **The applicant** has earned 18 semester **credit** hours after the issuance of the state provisional certificate in a planned course of study **that is approved by the teacher preparation institution. The planned program is either in the subject area endorsement(s) on the certificate or is planned to support the teaching of an academic subject with deeper content, pedagogy, assessment, instructional technology or other needs related to the teachers' practice. The planned course of study may include the equivalent of up to 6 semester credit hours of knowledge acquired through the structured induction process as determined acceptable by the teacher preparation institution.** This advanced course of study is applicable to the applicant's professional development as determined by the state board upon recommendation of the ~~sponsoring institution and, if appropriate, the local school district.~~ After July 1, 1983, ~~the~~ 18 semester **credit** hours ~~shall~~ **may** include the reading credit required in subdivision (d) of this subrule. A person with an earned master's or higher degree **in areas appropriate to kindergarten to and including grade 12 teaching** is not required to complete the 18-semester **credit** hour planned program. ~~After July 1, 1983, a~~ Applicants with an earned master's **or higher** degree shall have completed the reading credit required in subdivision (d) of this subrule.

(c) ~~He or she~~ **The applicant** may ~~be recommended~~ **apply** for a ~~continuing or~~ professional education certificate **by after completing a course of study at an out-of-state teacher education preparation institution which is out of this state and which is accredited by a regional or national teacher accreditation agency approved recognized by the state board, if semester credits hours comprising a planned course of study are applicable toward a master's or higher degree at the institution. or an additional subject area endorsement program of at least 20 semester credit hours.**

(d) ~~He or she~~ **The applicant** has completed a minimum of 6 semester **credit** hours of teaching reading for an elementary ~~continuing or~~ professional education certificate or a minimum of 3 semester **credit** hours of teaching reading for a secondary ~~continuing or~~ professional education certificate. This reading credit may have been completed at any time before application for ~~continuing or~~ the professional education certification. The qualifications set forth in this subdivision are required for all persons who apply for a ~~continuing certificate or a~~ professional education certificate after July 1, 1983.

(e) **A masters or higher degree completed for purposes of certificate advancement or renewal cannot be a degree in religion, law, or medicine. The teacher preparation institution may determine which courses or credits are applicable to an endorsement or planned program.**

(2) ~~An initial state elementary or secondary 18-hour continuing certificate shall not be issued after June 30, 1992. Teachers who hold national board for professional teaching standards certification are eligible to receive a professional education certificate with the same 10-year validity span as the national board certificate with an expiration date of June 30 of the year following the expiration of the national board certificate.~~

(3) **Out-of-state applicants who meet requirements for the professional education certificate as their initial Michigan teaching certificate are not required to take and pass the state teacher preparation content area test(s) under section 1531(5) of 1976 PA 451, MCL 380.1531(5), unless the applicant is seeking additional subject area endorsement(s).**

R 390.1133 ~~State elementary and secondary 30-hour continuing certificates.~~ **Rescinded.**

Rule 33. (1) A state elementary or secondary 30-hour continuing certificate is not required, but is available to a teacher who qualifies for it and requests it.

—(2) A state elementary or secondary 30-hour continuing certificate may be issued to an applicant who presents evidence that he or she has completed all of the following requirements:

—(a) He or she has taught successfully for 3 years under the terms of his or her provisional, continuing, or permanent certificate as determined by the state board upon recommendation of the sponsoring institution and the local school district.

—(b) Thirty semester hours in a planned course of study beyond the bachelor's degree or holds a master's degree. This advanced course of study is applicable to the applicant's professional development and shall consist of a planned program contributing specifically to his or her professional improvement as determined by the state board upon recommendation of the sponsoring institution. After July 1, 1983, applicants for the 30-hour continuing certificate shall have completed the reading credit required in subdivision (d) of this subrule.

—(c) The credit comprising a planned course of study shall be applicable on a master's or higher degree at the institution when the recommendation for this certificate is made by an institution which is located out of this state and which is accredited by a national teacher accreditation agency approved by the state board.

—(d) A minimum of 6 semester hours of teaching reading for an elementary 30-hour continuing certificate or a minimum of 3 semester hours of teaching reading for an elementary continuing certificate. This reading credit may have been completed at any time before application for continuing certification. The qualifications set forth in this subdivision are required for all persons applying for a 30-hour continuing certificate after July 1, 1983.

—(3) An initial state elementary or secondary 30-hour continuing certificate shall not be issued after June 30, 1992.

R 390.1134 Validity of permanent or continuing certificate or full vocational authorization.

Rule 34. (1) A permanent or continuing certificate or full vocational authorization retains its validity if the holder is employed in an educational capacity for a minimum of 100 days in any given 5-year period.

(2) A permanent or continuing certificate or full vocational authorization is suspended automatically if the holder is not employed in an educational capacity for the minimum of 100 days in the 5-year period.

(3) A suspended permanent or continuing certificate or full vocational authorization may be reinstated for an applicant who presents evidence that he or she meets either of the following requirements:

(a) Holds a master's or higher degree from an approved teacher **education preparation** institution.

(b) Has completed, subsequent to the suspension, 6 semester **credit** hours of satisfactory college credit from an approved teacher **education preparation** institution.

(4) A suspended permanent or continuing certificate or full vocational authorization may be reinstated provisionally for 1 year by the state board upon the request of a **public or private school employer district or nonpublic school** that is willing to employ and sponsor the holder full-time for 1 year. The provisional reinstatement shall be authorized to the

sponsoring school ~~employer~~ **district or nonpublic school** in the name of the holder under the following conditions:

(a) During the reinstatement period, the **employing** school ~~employer~~ **district or nonpublic school** shall provide appropriate classroom supervision to the teacher candidate for reinstatement of the certificate or authorization. The employer shall submit a written evaluation to the state board at the end of the 1-year reinstatement period.

(b) When the employer reports the completion of 1 year of successful experience during the reinstatement period, the permanent or continuing certificate or full vocational authorization shall be fully reinstated.

(c) When the employer reports that the reinstatement year of experience was unsuccessful, the holder of the suspended certificate or authorization may enroll in a teacher ~~education~~ **preparation** institution of his or her choice and complete a minimum of 6 semester **credit** hours ~~of credit~~ selected to improve the teaching skills identified by the sponsoring employer as deficient during the 1-year reinstatement period. Upon successful completion of that additional credit, the permanent or continuing certificate or full vocational authorization shall be fully reinstated.

(5) A permanent, continuing, or full vocational authorization certificate is valid for teaching in this state in the grades, subjects, or levels specified on the certificate.

(6) This rule shall remain applicable to permanent or continuing certificates or full vocational authorizations.

R 390.1135 Professional education certificate or occupational education certificate; renewal.

Rule 35. (1) **An initial** professional education certificate or occupational education certificate is valid ~~for up to 5 years~~ **from the date of issuance in a given year to June 30 of the expiration year** and shall be renewed, on proper application, ~~for up to an additional 5 years~~ upon the applicant's completion of **at least 1 of the following:**

(a) ~~6~~ **Six** semester **credit** hours of academic credit ~~from an approved teacher preparation institution,~~ **at any recognized university or college or Michigan community college.**

(b) **Eighteen state board continuing education units,** ~~or the submission of evidence of the equivalent, in continuing education units~~ completed through professional development programs **that support the teaching of an academic subject or other needs related to the teachers' practice** ~~or professional activities defined and approved by the state board or that are consistent with the certificate holder's professional development plan or in any combination thereof.~~

(2) **A combination of semester credit hours and state board continuing education units may be used to meet requirements for renewal. Three state board continuing education units are equivalent to 1 semester credit hour. Not more than Additional semester credit hours beyond** the required 6 semester credit hours or equivalent in state board approved continuing education units earned during any certificate validity span **may** ~~shall not~~ be applied toward any subsequent renewals.

~~(2) (3) The expiration year of the professional education certificate and the occupational education certificate shall be determined as follows:~~ **All professional education or occupational education certificates issued within a calendar year expire 5 years from June 30 of that year.**

~~—(a) Certificates issued through March 31 shall expire 5 years from the preceding June 30.~~

~~—(b) Certificates issued beginning April 1 will expire 5 years from the following June 30.~~



~~(3)~~ **(4)** To renew an expired professional education or occupational education certificate, a person shall apply to the state board for a renewal and shall present evidence of the completion, ~~within a 5-year period before application for renewal of the 6 semester credit~~ hours, or their equivalent, in approved professional development programs or approved professional activities as defined in subrule (1) of this rule, **within the 5 year period preceding the date of application and after the date of issuance of the previous certificate for renewal.**

~~(4)~~ **(5)** Credit completed out of state **shall support the teaching of an academic subject or other needs related to the teachers' practice and** shall have been completed ~~in~~ **at** an approved teacher ~~training~~ **preparation** institution **holding either regional or national accreditation.**

~~(5)~~ **(6)** This rule applies to all candidates who apply and qualify for a professional education certificate or an occupational education certificate after June 30, 1992.

R 390.1136 ~~Professional education or occupational education certificate; eligibility.~~  
**Rescinded.**

~~—Rule 36. After June 30, 1992, all applicants who would have been eligible for an initial continuing certificate or full vocational authorization shall instead qualify for a professional education certificate or occupational education certificate and this certificate shall be renewed in accordance with the provisions of R 390.1135.~~

#### PART 4. STATE SPECIAL PERMITS

R 390.1141 General provisions.

Rule 41. (1) On application, the state board ~~will~~ **shall** issue a special permit for a person who has the statutory qualifications and has completed, or had accepted by transfer, the prescribed amount of satisfactory college credit ~~in~~ **at** an approved ~~teacher education program~~ **college or university**. The permit ~~will~~ **shall** be a full-year ~~permit, emergency,~~ or substitute permit.

(2) A full-year or substitute permit or renewal of either permit is issued to the recommending superintendent or personnel officer, who shall apply for such permit or renewal and who shall affirm under oath that the requirements for the requested permit or renewal have been met, including that a certificated teacher is not available for employment. The recommending superintendent or personnel officer receiving the permit or renewal shall hold the permit or renewal for the person.

R 390.1142 Full-year ~~special~~ permits **approvals.**

Rule 42. (1) ~~A full-year special permit approval~~ shall be issued when **the school district or nonpublic school has posted and advertised the position at college and university placement offices and the appropriate mass media and** a properly certificated teacher is unavailable for a regular teaching assignment.

(2) An application for a full-year special permit **approval** shall contain evidence that the candidate has completed ~~120 semester hours of satisfactory college credit, as defined in R 390.1141~~ **a bachelor's degree or higher at an approved regionally or nationally accredited teacher preparation institution including 15 semester hours of appropriate professional education credit.** **When the permit is requested for an assignment to teach a**

core academic subject, the candidate shall demonstrate competence as a highly qualified teacher of the core academic subject by presenting evidence of completion of an academic major in the subject or obtaining a passing score on the appropriate state board approved teacher certification subject test before issuance of the permit.

(3) ~~A~~ **The full-year special permit approval** is valid for teaching in the grades or subjects or grade and subjects specified on the permit ~~until June 30 of~~ **for** the school year for which the permit is issued.

(4) A full-year ~~special~~ permit ~~will~~ **may** be renewed when evidence is presented that ~~a~~ **the** person **in the regular teaching assignment** has completed 6 **additional** semester credit hours of satisfactory additional credit ~~applying on requirements for regular~~ **toward appropriate teacher certification** and that ~~a properly certificated teacher is unavailable for a regular teaching assignment.~~ **for that assignment and has been assigned to 1 or more master teachers who shall serve as a mentor. The full-year permit approval may be renewed for a maximum of 2 years without reposting the position if the renewal credit hours and mentoring requirements are met. For a teacher who presents evidence of the completion of an academic major in a core subject or who is assigned to teach a non-core subject, the teacher shall pass the state teacher preparation basic skills test and appropriate subject area tests within 3 years after employment under the full-year permit.**

#### R 390.1143 Substitute permits **approvals.**

Rule 43. (1) ~~An application~~ **A school district or nonpublic school may apply** for a substitute permit ~~shall contain evidence that the candidate~~ **approval for an individual who** has completed not less than ~~120~~ **90** semester credit hours of satisfactory college credit. ~~in an approved teacher preparation program, which shall include a minimum of 6 semester hours of professional education credit. Persons who are currently enrolled in an approved teacher preparation program will be considered to have met the 6 semester hour requirement.~~ **The credit shall be consolidated at one 4-year regionally accredited college or university.**

(2) ~~A~~ **The** substitute permit is valid for teaching on a substitute basis ~~for a maximum of 150 days during any~~ **from September 1 to August 31 of a given** school year. Teaching on a substitute basis means teaching when the regular certificated teacher is temporarily absent. ~~Such~~ **The** permit is not valid for any regular or extended teaching assignment. **A regular or extended teaching assignment is defined as an assignment to the same classroom for more than 90 calendar days.**

(3) **Individuals who hold valid Michigan teaching certificates are not required to have a substitute permit approval for teaching in short term, 90 calendar days or less, assignments outside of the grade level and subject area validity of their teaching certificates.**

~~(3)~~ (4) A substitute permit is renewable each year.

#### R 390.1145 Permits in emergency situations.

Rule 45. (1) In emergency situations and on recommendation of the superintendent or ~~administrator~~ **administrator** of a ~~local~~ **school district or nonpublic intermediate school district**, the state board ~~superintendent of public instruction~~ **may issue a** ~~an~~ **emergency permit approval** for a candidate ~~with reasonable qualifications if a candidate who meets the requirements for obtaining a substitute permit or a full-year permit is not available~~ **who holds a bachelor's or**

higher degree in the content to be taught from a regionally or nationally accredited college or university or who is currently enrolled in an approved teacher preparation program and has completed not less than 90 semester credit hours towards teacher certification. An emergency permit approval shall only be issued if the school district or nonpublic school has searched extensively and is unable to find an appropriately certificated teacher or an individual who meets full year permit approval requirements and if failure to authorize this emergency permit will deprive children of an education. The permit shall be issued for a specific period of time under emergency circumstances. A labor dispute is not an emergency circumstance.

(2) Emergency permits may be renewed if the school district or nonpublic school can sufficiently provide evidence that the emergency situation continues to exist and that the individual is enrolled in a teacher preparation program and has completed a minimum of 6 semester credit hours toward appropriate certification, and is assigned to a mentor teacher.

(3) Under special circumstances as approved by the superintendent of public instruction, an emergency permit may be renewed without requiring enrollment in an approved teacher preparation program.

R 390.1146 ~~Special p-Permits; effective date~~ **noncertificated; nonendorsed.**

Rule 46. The provisions of R 390.1141 to R 390.1145 shall take effect September 1, 1989.

(1) A school district or nonpublic school pursuant to section 1233b of 1976 PA 451, MCL 380.1233b, is authorized to employ a noncertificated, nonendorsed, teacher for grades 9 to and including 12 in the subject areas of computer science, foreign languages, mathematics, biology, chemistry, engineering, physics and robotics or other subjects as approved by the superintendent of public instruction provided the individual meets the following requirements:

(a) A bachelor's degree from an accredited postsecondary institution.

(b) A major or a graduate degree in the field of specialization in which the candidate will teach.

(c) In the 5-year period immediately preceding the date of hire, not less than 2 years of occupational experience in the field of specialization in which the candidate will teach. An individual who teaches in the area of foreign language is exempt from this requirement.

(d) Verification that the employing school district or nonpublic school has posted and advertised the position and has been unable to find an appropriately certificated teacher for the assignment.

(2) The requirements in subrule (1) of this rule may be waived if the following conditions are met:

(a) The noncertificated, nonendorsed teacher is annually and continually enrolled in and completing credit in an approved teacher preparation program leading to appropriate certification or endorsement.

(b) The noncertificated, nonendorsed teacher has a planned program leading to teacher certification or endorsement on file with the employing school district or nonpublic school, the candidate's teacher preparation institution and the department of education.

(3) If the school district or nonpublic school wishes to employ a noncertificated, nonendorsed teacher in 1 of the designated subject areas for more than 1 year, the teacher shall pass both the state teacher certification basic skills and subject area examinations (if a subject area examination exists) in the field of specialization in which the candidate will teach, and shall be assigned a mentor teacher.

#### PART 5. ~~EDUCATIONAL~~ **TEACHER PREPARATION INSTITUTIONS**

R 390.1151 Approved teacher ~~education~~ **preparation** institutions; ~~report; program review; selection techniques; majors and minors; specific subjects and specialty programs.~~

Rule 51. (1) The state board approves **standards and procedures for reviewing prospective teacher preparation** ~~certain institutions and their programs for the purposes of to preparing and recommend candidates~~ applicants for **initial** certification. Upon request of ~~The superintendent of public instruction shall make recommendations to the state board; a teacher education institution shall present a report of its teacher education curricula and definitions of majors and minors. for~~ **the programs of an initial state approval of teacher education preparation** institutions are subject to periodic review by the ~~based on state board; approved standards and procedures.~~

(2) ~~A sponsoring~~ **Continued approval of teacher preparation** institutions recommending applicants for ~~by the superintendent of public instruction requires either accreditation of the preparation program by an~~ teachers' certificates shall establish selection techniques which insure ~~accrediting body that only qualified students are admitted to is recognized by the teacher United States department of education program and that only qualified students are sponsored for certification or a recommendation for approval to the superintendent from a state review process.~~

(3) The superintendent of public instruction approves specialty programs which are based upon state board approved standards, which may result in endorsements on teaching certificates.

(4) Upon request of the superintendent of public instruction, a preparation institution shall present a report of its teacher preparation curricula and specialty program offerings. The programs of an approved teacher preparation institution are subject to periodic review by the superintendent of public instruction. All reports of the nationally recognized teacher preparation accrediting body shall be maintained by the superintendent of public instruction.

(5) An institution recommending candidates for teaching certificates shall establish selection techniques which ensure that only qualified candidates are admitted to the teacher preparation program and that only qualified candidates are recommended for certification or additional endorsements.

~~(3) (6) Unless otherwise approved by the state board, all majors and minors~~ **All specialty programs** offered by an approved teacher ~~education~~ **preparation** institution shall be in subject matter fields pertinent to teaching at the level for which certification is to be recommended **as approved by the state board.** The state board reserves the right to determine the ~~acceptability of majors and minors~~ **criteria for accepting certification of candidates prepared in** ~~recommended by~~ out-of-state **teacher preparation** institutions and in accordance with state law.

~~(4) (7) An applicant who has been graduated from a specific teaching curriculum, such as fine arts, industrial arts, library science, music, physical education, health education, or foreign language, may be certified to teach that specific subject in elementary and secondary grades when, upon recommendation of the sponsoring institution, the applicant qualifies at both levels. Some specialty programs may be designated by the state board with options or requirements for teaching in grades kindergarten to and including grade 12.~~

R 390.1152 Approved teacher ~~education~~ **preparation** institutions; equivalence option.

~~Rule 52. An applicant may satisfy any educational requirement for certification by presenting evidence of an equivalent as determined by the state board. In granting such equivalence the state board shall consider college graduation and scores made on standardized examinations or prior teaching experience, or any combination of these or other appropriate criteria. Evaluation of equivalence shall be under direction of the state board. The sponsoring institution may award semester hours of credit based upon equivalence in partial fulfillment of requirements for a major or minor or for any of the required credits for certification.~~

**(1) An approved Michigan teacher preparation institution may award semester credit hours based upon previously completed course work or previous life learning experiences in partial fulfillment of requirements for an institution's approved programs for certification or specialty endorsements.**

**(2) Equivalence options are prohibited for specific legal requirements for candidates seeking initial provisional certification for successfully completing a course in first aid, which includes cardiopulmonary resuscitation (adult and child), or Michigan's reading requirements or passage of the state teacher preparation content area tests.**

R 390.1153 Approved teacher ~~education~~ **preparation** institutions; experimental programs.

~~Rule 53. The state board superintendent of public instruction at the request of an approved teacher education preparation institution may waive for a specific time particular requirements of this code for experimental teacher education preparation programs. A request for such a waiver shall provide sufficient detail as prescribed to allow the state board to approve such provisions in order that substantial scientifically based experimentation with patterns of teacher education may be encouraged. Upon adequate evidence, the state board may give continuing status to an experimental teacher education program of demonstrated superiority.~~ **preparation programs. An institution shall objectively evaluate and report on the effectiveness of the experiment for the specified time period. The superintendent of public instruction may give approval to continue an experimental program when evaluation data provide evidence of value.**

R 390.1154 Out-of-state institutions **and teacher candidates.**

**Rule 54. (1) An applicant for certification in this state, who has been educated in an out-of-state teacher preparation institution that is a regionally or nationally accredited institution out of this state, shall present evidence of having fulfilled all of the requirements established for residents of this state or as prescribed by law. The state board may accept credit from an institution accredited by its regional accrediting association.**

**(2) An applicant for certification in this state who presents credit from a A candidate from an out-of-state teacher education preparation institution that is not regionally or**

~~nationally~~ accredited by its ~~regional accrediting association~~ may validate such credit by gaining unconditional admission to full standing in the graduate department, division or school of a college or university fully accredited by the regional accrediting association, or completing 6 semester hours of acceptable graduate credit in an ~~or state approved for~~ **teacher preparation, shall seek a transcript review and recommendation for certification by a state approved or nationally accredited Michigan teacher preparation institution or meeting such requirements as are specified by the state board.**

(3) ~~Semester Credits~~ **hours** from **teacher preparation** institutions in foreign countries will be adjudged by the United States office of education and by the ~~state board~~ **superintendent of public instruction** in determining eligibility for certification.

(4) ~~A state~~ **An out-of-state candidate with a valid initial** elementary or secondary provisional **teaching** certificate may be issued to an applicant from another state who **shall** presents evidence that he **or she meets the following requirements:**

(a) ~~Has been graduated a bachelor's or higher degree~~ from a ~~teacher education~~ **preparation** institution approved by that state's appropriate education agency. ~~and~~

(b) ~~Has completed a program in elementary or secondary education as prescribed by that teacher education~~ **preparation** institution, if the institution is **regionally or nationally** accredited at the time of his **or her** graduation by a ~~national teacher accreditation agency approved by the state board.~~ **If the out-of-state candidate has not graduated from such an institution, then he or she shall apply to an approved Michigan teacher preparation institution for a credential review and recommendation to the superintendent of public instruction.**

(c) **Has met the Michigan reading and testing (basic skills and appropriate content area) requirements.**

(d) **Has successfully completed a course in first aid, which includes cardiopulmonary resuscitation (adult and child).**

(5) **A 1-year temporary teacher employment authorization may be issued to an out-of-state applicant who presents evidence of the following:**

(a) **The applicant holds a valid teaching certificate from another state.**

(b) **The applicant has completed an approved elementary or secondary teacher preparation program.**

(c) **The applicant meets all requirements for a provisional certificate except for passing the state teacher preparation basic skills and content area tests.**

(d) **The applicant has successfully completed a course in first aid, which includes cardiopulmonary resuscitation for both children and adults.**

(6) **Out-of-state applicants may qualify for a professional education certificate as their initial Michigan teaching certificate, and would not be required to pass the state teacher preparation basic skills and content area tests, if the following evidence is presented:**

(a) **The applicant holds a valid teaching certificate from another state.**

(b) **The applicant has completed an approved elementary or secondary teacher preparation program.**

(c) **The applicant has earned, after initial certification, at least 18 semester credit hours in a planned course of study or, earned at any time, a masters or higher degree at a regionally or nationally accredited state approved teacher preparation institution.**

(d) **If elementary certified, the applicant has completed 6 semester credit hours in the**

teaching of reading; if secondary certified, the applicant has completed 3 semester credit hours in the teaching of reading.

(e) The applicant has completed 3 years of successful teaching within the grade level and subject area validity of the teaching certificate.

R 390.1155 Non-teacher education preparation institutions.

Rule 55. An applicant presenting semester credits hours from an institution of higher education not approved for teacher education preparation purposes shall complete such semester credits hours as may be required by the state board in his individual case superintendent of public instruction.

R 390.1156 Correspondence credits Distance learning.

Rule 56. (1) A correspondence Distance learning credits from an approved teacher preparation program may not apply toward requirements for a continuing certificate, renewal of a provisional certificate, nor conversion of a provisional or continuing certificate. Additional endorsements may be comprised entirely or in part of distance off-site learning components appropriate to the content and levels of certification.

(2) Programs for initial teacher certification shall include some face-to-face interactions and early and ongoing structured supervised field experiences appropriate to the content and levels of certification.

(3) The climate for learning (virtual or face-to-face) shall promote research-based strategies for effective teaching and learning.

R 390.1157 Bilingual endorsements. Rescinded.

—Rule 57. (1) Bilingual endorsements shall be granted in specified languages with authorization to each as defined in R 390.1101(a).

—(2) The bilingual endorsement program for initial certificates shall be a group minor of 24 semester hours.

—(3) The bilingual endorsement program for existing certificates shall be a minimum of 18 semester hours. Credits for coursework to develop basic language proficiency in either the endorsed language or in the English language shall not be included in the 18 hour program.

—(4) A bilingual endorsement program shall contain all of the following requirements:

—(a) Language proficiency. An applicant shall demonstrate reading, writing, speaking, and listening proficiency in English and in the language for which endorsement is sought as determined by an examination process approved by the state board of education. The state board of education shall designate those languages for which reading and writing proficiency is not required.

—(b) Linguistics and bilingual methodology. An applicant shall successfully complete 9 semester hours of coursework designed to develop all of the following:

—(i) Knowledge of the historical background and pedagogical rationale of bilingual education.

—(ii) Effective skills in using both English and the endorsed language as media of instruction in the subject matter areas for which certification is held or being sought.

—(iii) Effective skills in the instruction of English and the endorsed language as both first and second languages, as individual classes, or as activities integrated into content areas.

- ~~—(iv) Effective skills in the linguistic analysis of both English and the endorsed language and in the testing and assessment of language skills.~~
- ~~—(c) Culture. An applicant shall successfully complete 6 semester hours of coursework designed to develop all of the following:~~
  - ~~—(i) Effective skills in utilizing cultural information and activities as means for developing basic skills.~~
  - ~~—(ii) Effective skills in presenting the history and cultures of the geographical area associated with the endorsed language.~~
  - ~~—(iii) Effective skills in presenting the history and culture of the endorsed language groups within the United States.~~
  - ~~—(iv) Effective skills in communicating with parents of children enrolled in the bilingual education program and with members of the bilingual advisory committee.~~
- ~~—(d) Field experience. An applicant shall successfully complete a portion of the directed teaching requirement for an initial elementary or secondary provisional certificate with a bilingual endorsement in a currently operating bilingual instruction program.~~
- ~~—(5) This rule is mandatory for all persons seeking bilingual endorsement after July 1, 1982.~~

## PART 6. VOCATIONAL ENDORSEMENT AND AUTHORIZATION

R 390.1161 State secondary provisional certification with vocational endorsement.

Rule 61. (1) An applicant for vocational endorsement shall meet the requirements for state secondary provisional certification as described in part 2 of these rules as well as presenting evidence of completing **all of the following**:

(a) A program **with a minimum of 6 semester credit hours, or equivalent, of coursework** in vocational teacher education at an institution approved by the state board for the preparation of vocational teachers ~~in the occupational area of endorsement.~~

(b) ~~A major or a minor in an approved program in the occupational area of the endorsement.~~ **Program requirements as defined by the state board for each vocational endorsement.**

(c) Two years of work experience in the occupational area of the endorsement or completion of a planned equivalent program of directed supervised occupational experience approved by the department of education. The occupational experience shall be characterized by its relevancy and recency.

(2) Vocational endorsement is valid for teaching in the stated occupational area in approved vocational education programs.

R 390.1162 State secondary ~~continuing or~~ professional education certification **with vocational endorsement.**

Rule 62. A state ~~continuing or~~ professional education certificate with a vocational endorsement may be issued to an applicant who has met the requirements for ~~continuing or~~ professional education certification as described in part 3 of these rules and who has presented evidence that he or she has completed both of the following requirements:

(a) Taught successfully for 3 years according to the validity of his or her provisional certificate ~~and or~~ vocational endorsement and since the issuance of the provisional certificate ~~and or~~ vocational endorsement, as determined by the state board upon recommendation of the ~~sponsoring~~ **teacher preparation** institution and the ~~local~~ **employing** school district.



(b) Earned 18 semester **credit** hours after the issuance of his or her state provisional certificate and vocational endorsement in a planned course of study, which includes a minimum of ~~10~~ **9** semester **credit** hours of relevant vocational education. This advanced course of study is applicable to the applicant's professional development as determined by the state board upon recommendation of the ~~sponsoring~~ **teacher preparation** institution and, if appropriate, the ~~local~~ **employing** school district. A person who possesses an earned master's or higher degree is not required to complete the 18-semester-**credit** hour planned program **or the 9 semester credit hours of relevant vocational education.**

R 390.1163 ~~Temporary vocational authorization.~~ **Interim occupational certificate (formerly called temporary vocational authorization).**

Rule 63. (1) ~~A temporary vocational authorization document~~ **An interim occupational certificate** may be issued upon the report of a designated ~~vocational~~ **occupational** teacher education **preparation** institution to an applicant presenting evidence that he **or she** has met the following requirements:

- (a) Possesses a baccalaureate degree.
- (b) Has a major or minor in the field of specialization in which ~~vocational authorization~~ **occupational certification** is being requested. ~~or equivalent graduate credits to substitute for the required major or minor.~~
- (c) Has a minimum of 2 years **(4,000 hours)** of experience in the occupational area concerned or has completed a planned program of directed supervised occupational experience approved by the state board. The occupational experience shall be characterized by its relevancy and recency.
- (d) **Has passed both the state teacher preparation basic skills test and appropriate subject area tests available at the time of application.**
- (e) **Has successfully completed a minimum of 6 semester credit hours of professional or vocational education credit.**

(2) ~~Temporary vocational authorization~~ **The interim occupational certificate** is valid for teaching in those courses in which instruction is limited to the occupation specified on the ~~authorization certificate~~ in approved ~~vocational~~ **occupational** programs. ~~It is valid for 6~~ **Interim occupational certificates issued within a calendar years expire 6 years from June 30 of that year.**

R 390.1164 Full vocational authorization.

Rule 64. (1) ~~A full vocational authorization document shall be issued to qualified candidates and shall be valid for continued teaching in those courses in which instruction is limited to the occupation specified on the authorization in approved vocational programs.~~ **Beginning December 31, 1992, full vocational authorizations are no longer issued, but are still valid for teaching in Michigan's approved vocational programs.**

- (2) ~~Applications for full vocational authorization shall contain evidence that the candidate:~~
  - ~~—(a) Has taught successfully for 3 years according to the validity of his temporary vocational authorization as determined by the state board upon recommendation of the sponsoring institution and the local school district.~~
  - ~~—(b) Has completed a minimum of 10 semester hours, of professional vocational education as determined by the state board and approved by the sponsoring institution and the local school district.~~

~~(3)~~ The validity of a full vocational authorization is specified in R 390.1134.

**R 390.1164a Occupational education certificates.**

**Rule 64a. (1) An occupational education certificate shall be issued to qualified candidates and shall be valid for continued teaching in those courses in which instruction is limited to the occupation specified on the certificate in approved occupational programs.**

**(2) Applications for the occupational education certificate shall contain evidence that the candidate has met the following:**

**(a) Has taught successfully for 3 years according to the validity of his or her provisional secondary certificate or interim occupational certificate as determined by the state board upon recommendation of the teacher preparation institution and the school district.**

**(b) Has completed, since the issuance of the interim occupational certificate, or temporary vocational authorization, in the case of the candidate who does not hold a secondary provisional or professional education certificate, a minimum of 9 semester credit hours which are in vocationally related coursework according to the department of education guidelines.**

**(3) All occupational education certificates issued within a calendar year expire 5 years from June 30 of that year.**

**R 390.1165 Annual ~~vocational~~ occupational authorization.**

**Rule 65. (1) If a candidate does not meet the standards outlined for ~~temporary vocational authorization~~ the interim occupational certificate, an evaluation of competency shall be made by the department of education. The department shall determine the adequacy of the candidate's combined education and occupational and teaching experience at the journeyman level in apprenticesable trades in the specific occupational area. If the candidate is deemed competent, a 1-year ~~vocational~~ annual occupational authorization shall be issued to the school district. This annual ~~vocational~~ occupational authorization is planned primarily for persons who will be teaching ~~vocationally~~ occupationally approved courses in grades 9 to 12.**

**(2) This annual occupational authorization is valid for teaching those courses in approved programs in which instruction is limited to the occupation specified on the authorization.**

**(3) A school district shall certify that an ~~vocational~~ occupational education certificated teacher is not available. A school district shall document that an ~~vocational~~ occupational education certificated teacher opening was advertised, but a teacher was not available, before applying for the annual ~~vocational~~ occupational authorization. The advertising requirement does not apply if the noncertificated teacher for whom the annual ~~vocational~~ occupational authorization is sought is annually and continually enrolled and completing credit in an approved ~~vocational~~ occupational teacher preparation program leading to ~~vocational~~ occupational certification, or has submitted evidence of the equivalent, in continuing education units completed through professional development programs or professional activities defined and approved by the state board. The exemption from the advertising requirement shall not be granted for more than 8 consecutive school years--subject to guidelines for program completion determined by the department of education.**

R 390.1166 Credit from institutions not designated for preparation of ~~vocational~~ **occupational** teachers.

Rule 66. Candidates for ~~vocational~~ **occupational** endorsement or authorization who present **semester** credit **hours** from a teacher ~~education~~ **preparation** institution not approved by the state board for the preparation of vocational teachers may validate the **semester** credit **hours** by gaining unconditional admission to full standing in the graduate department, division, or school of a college or university approved for vocational teacher ~~education~~ **preparation**, by completing 6 semester **credit** hours of acceptable graduate **semester** credit **hours** in an institution approved by the state board for the preparation of vocational teachers, or meet the requirements specified by the state board.

## PART 10. ADMINISTRATIVE HEARINGS

R 390.1201 Certificates; denial, suspension, or revocation; reinstatement.

Rule 101. (1) The ~~state board~~ **superintendent of public instruction** may refuse to grant or renew, or may ~~revoke or~~ suspend for a fixed term, **or revoke**, or may impose reasonable conditions on, a teaching certificate **or state board approval** granted pursuant to these rules for the following reasons:

(a) Fraud, **or** material misrepresentation, ~~or concealment or omission of fact~~ in the application for, ~~a certificate or the use of, a teaching certificate or state board approval.~~  
~~—(b) Failure or ineligibility of the applicant, or certificate holder, to meet the criteria for eligibility for the certificate.~~

~~(e) (b) Conviction, as an adult, of an act of immoral conduct contributing to the delinquency of a child, or of a felony, involving moral turpitude. of an offense listed in MCL 380.1535a or MCL 380.1539b.~~

**(2) The superintendent of public instruction may refuse to grant or renew a teaching certificate or a state board approval for failure or ineligibility of the applicant to meet the criteria for the applicable certification or state board approval.**

~~(2) (3) A certificate or state board approval shall not be denied, suspended, or revoked solely on the basis of a prior felony conviction, unless it is related.~~ **the superintendent of public instruction finds that the conviction is reasonably and adversely to the ability of the person related to the person's present fitness to serve in an elementary or secondary school in the state or that the conviction demonstrates that the person is unfit to teach in an elementary or secondary school in this state.**

**(4) A certified copy of the judgment of conviction and sentence is conclusive evidence of conviction of a crime pursuant to MCL 380.1535a or MCL 380.1539b. A conviction of a crime listed in MCL 380.1535a or MCL 380.1539b, or of a substantially similar crime in another state, is considered to be reasonably and adversely related to the ability of the person to serve in an elementary or secondary school and is sufficient grounds for suspension or revocation of the person's teaching certificate or state board approval.**

~~(3) (5) After the completion of a person's sentence and~~ **Upon application and a showing of good cause, the state board superintendent of public instruction may grant a new or renewed certificate, or** ~~reinstate a suspended or revoked certificate or may grant a new certificate. The applicant or certificate holder shall be permitted to demonstrate that, at the present time, he has the~~ **The superintendent of public instruction shall not grant a**

**new or renewed certificate or reinstate a person's certificate unless the superintendent of public instruction finds that the person is currently fit ability to serve in an elementary or secondary school in this state and that reinstatement of the person's teaching position without certificate will not adversely affecting children or other members of the profession, health, safety and shall provide proof that he is rehabilitated welfare of pupils.**

R 390.1202 Contested case; grounds.

Rule 102. A contested case may be instituted pursuant to ~~chapter 4 of Act No. 306 of the Public Acts of 1969, being § 24.271 et seq. of the Michigan Compiled Laws~~ **1969 PA 306**, in the event of a refusal to grant or renew a teacher's certificate, or in the event of a suspension or revocation of a teacher's certificate.

R 390.1203 Investigation.

Rule 103. **The superintendent of public instruction shall designate an employee of the Michigan Department of Education to perform the investigatory and prosecutorial functions regarding contested cases pertaining to teacher certification or state board approval.** Upon receipt of information which may serve as the basis for a refusal to grant, or renew, **suspend or revoke** a teacher's certificate, or as the basis for the suspension or revocation of a teacher's certificate **state board approval, the designee of the** superintendent of public instruction shall initiate an investigation of that information.

R 390.1204 Written charges; service; notice of opportunity to show compliance.

Rule 104. (1) ~~If the designee of the superintendent of public instruction determines that probable cause exists for the suspension or revocation of a teacher's certificate, then the superintendent shall prepare and file written charges and shall serve a letter copy of notice of opportunity to show compliance to the teacher in question and shall inform the teacher of hearing rights under these rules, and pursuant to sections 71 to 92 of 1969, PA 306, MCL 24.271 to MCL 24.292. A complete copy of the applicable rules and laws shall be furnished to the teacher.~~

(2) Within 15 business days of service of the notice of opportunity to show compliance, a teacher may **file a request for** an informal conference to show compliance. The informal conference shall be a telephone conference, unless otherwise specified, with an authorized representative of the superintendent of public instruction.

(3) After the informal conference, the superintendent's ~~designee of public instruction may, after considering the evidence presented, make a finding of compliance, enter into a written settlement of the matter with the teacher without a formal hearing, or direct that a notice of hearing issue.~~ **If, after considering the evidence presented, the superintendent's designee recommends making a finding of compliance or entering into a written settlement of the matter with the teacher without a formal hearing, the superintendent of public instruction shall approve, modify, or deny the recommended action.**

R 390.1205 Notification of rights; copies of rules and laws. **Rescinded.**

Rule 105. Upon receipt of written charges, the state board ~~shall inform the teacher of hearing rights under these rules, and under sections 71 to 92 of Act No. 306 of the Public Acts of 1969, being §§ 24.271 to 24.292 of the Michigan Compiled Laws, and known as the~~

~~administrative procedures act of 1969, and section 10 of Act No. 287 of the Public Acts of 1964, being § 388.1010 of the Michigan Compiled Laws. A complete copy of the rules and laws shall be furnished to the teacher.~~

R 390.1206 Notice of hearing; written charges; settlement; absence of party; ~~hearing as public or private.~~

Rule 106. (1) ~~Within~~ **Following** 15 business **working** days of service of the notice of opportunity to show compliance, if the teacher does not request an informal conference, ~~then~~ a notice of suspension of the teacher's certificate shall be served upon the teacher.

(2) After an informal conference, and a decision by the superintendent's **designee of public instruction** to proceed to hearing, ~~a notice of hearing and~~ a copy of the written charges shall be served upon the teacher **and a request for a hearing shall be submitted to the state office of administrative hearings and rules.**

~~—(3) The written charges may be amended between the time of the notice of opportunity to show compliance and the notice of hearing.~~

~~—(4) If the teacher has been convicted of a crime and is incarcerated, then the hearing may be conducted by telephone, video conference or other electronic media.~~

~~(5)~~ (3) If the teacher fails to attend the hearing, then the hearing may proceed and the decision may be made in the absence of the teacher.

~~(6)~~ (4) The teacher and the superintendent of public instruction may agree in writing to a settlement of the matter without a hearing.

~~(7) A hearing shall be either public or private at the request of the teacher.~~

R 390.1207 Answer to formal charges; bill of particulars.

Rule 107. (1) A **certified teacher or holder of a state board approval** may file an answer to formal charges with the ~~state board~~ **designee of the superintendent of public instruction**. The answer shall be filed not less than 10 days ~~prior to~~ **before** the hearing. **The designee of the superintendent of public instruction shall file a copy of the answer upon receipt with the state office of administrative hearings and rules.**

~~—(2) If the formal charges are believed by the teacher to be so ambiguous that an answer cannot be adequately prepared, the teacher may file a motion for a bill of particulars with the hearing officer. The request for a bill of particulars shall be granted upon a demonstration of good cause.~~

R 390.1208 ~~Representation; appearance by legal counsel; service on attorneys of record.~~  
**Rescinded.**

~~—Rule 108. (1) A teacher may represent himself or be represented by legal counsel or another duly authorized representative.~~

~~—(2) An appearance by legal counsel shall be filed in writing and at the earliest possible time. Thereafter, service upon the attorneys of record shall be deemed service upon the parties.~~

R 390.1209 ~~Hearing office; duties.~~ **Filing.**

~~—Rule 109. A hearing officer designated by the state board shall promptly establish hearing dates, inquire fully into all facts relevant to each proceeding, and submit proposals for decision to the state board and the parties.~~ **In order to be timely received, any filing**

required under these rules shall be received by the Michigan Department of Education before the close of business on the last day of the time limit for the filing. Filing may be by facsimile (fax).

**R 390.1210 ~~Hearing officer; qualifications; prohibited communications.~~ Summary suspension.**

Rule 110. ~~(1) The hearing officer shall be from an office completely separated from any person involved in investigatory or prosecutorial functions regarding contested cases pertaining to teacher certification.~~ **If a person who holds a Michigan teaching certificate or state board approval has been convicted of a crime described in MCL 380.1535a(2) and 380.1539b(2), or if the superintendent of public instruction or his or her designee finds that the public health, safety or welfare otherwise requires emergency action, the superintendent of public instruction or his or her designee shall order summary suspension of the person's teaching certificate or state board approval, pursuant to MCL 24.292. The person subsequently shall be provided a prompt opportunity for a hearing as provided under that section. Rules 104 and 106 do not apply to this rule.**

~~—(2) A hearing officer shall not directly or indirectly communicate with a party, a representative of a party, or other person who has been engaged in investigatory or prosecutorial functions regarding any issue of fact or law, except on notice and opportunity for all parties to participate, unless otherwise provided by law.~~

**R 390.1211 ~~Witnesses; fees and expenses; exclusion from hearing; communication.~~ Rescinded.**

~~—Rule 111. (1) A witness, except a state employee, requested by the hearing officer shall be paid an appropriate witness fee and expenses by the party that had the hearing officer request the presence of the witness. Fees and expenses shall be consistent with those provided in circuit court.~~

~~—(2) Upon motion and a showing of good cause, a prospective witness may be excluded from a hearing. Witnesses may be instructed not to communicate with a prospective witness.~~

**R 390.1212 ~~Transcript; evidence; exhibits.~~**

Rule 112. ~~(1) A hearing reporter shall transcribe the testimony taken at a hearing and file the certified original with the state board upon request of the hearing officer or the state board.~~ **A verbatim record will be taken of the proceedings.** A party may request a copy of the transcript at ~~his own~~ **the party's** expense. ~~When a transcript is prepared, the certified original shall be filed with the state board and all parties shall be notified.~~

~~—(2) Evidence in a contested case may be retained in the custody of a person designated by the hearing officer or the state board upon such terms as are just, practicable, and designed to preserve the evidence without undue interference on any other legal proceeding.~~

~~—(3) Exhibits shall be retained by the hearing officer until such time as they are certified and filed with the state board, along with the proposal for decision.~~

**R 390.1213 ~~Exceptions; cross exceptions; and briefs.~~**

Rule 113. (1) Within 20 days after service of the proposal for decision, a party may file a written statement with the ~~state board~~ **superintendent of public instruction** setting forth exceptions thereto or to any other part of the record or proceeding, including rulings upon

motions and objections. A brief in support of these exceptions may be filed with the ~~state board~~ **superintendent of public instruction**. A copy of the exceptions and any brief shall be served on each party to the proceedings.

(2) Within 10 days after service of an exception, a party may file a cross exception and a brief in support thereof, or a brief in support of the proposal for decision. A copy of the cross exceptions and any brief shall be served on each party to the proceedings.

R 390.1214 Oral arguments.

Rule 114. If a party desires to present oral arguments to the ~~state board~~ **superintendent of public instruction**, a written request therefor shall be made to the ~~state board~~ **superintendent of public instruction** at the time an exception, cross exception, or brief is filed. The ~~state board~~ **superintendent of public instruction** on ~~its~~ **his or her** own motion, may direct oral argument **or grant or deny a request for oral argument**.

R 390.1215 ~~Advice of attorney general or designated assistant.~~ **Rescinded.**

~~—Rule 115. The state board may seek the legal advice of the attorney general, or a designated assistant other than a person who may have engaged in investigatory or prosecutorial functions, with regard to the contested case under consideration or a factually related case.~~

R 390.1216 Proposal for decision; action by ~~state board~~ **superintendent of public instruction**.

Rule 116. (1) The ~~state board~~ **superintendent of public instruction** may adopt, modify, or reverse the proposal for decision: **or remand the case to the state office of administrative hearings and rules for further findings of fact.**

(2) A party shall not directly or indirectly communicate with the superintendent of public instruction or persons involved in the review of a proposal for decision, regarding issues of fact or law, except on notice and opportunity for all parties to participate, unless provided by law.